

EXHIBIT 4

The logo for Hogan Lovells, featuring the name "Hogan Lovells" in a serif font, with "Hogan" on the top line and "Lovells" on the bottom line, both in black text on a yellow rectangular background.

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October 9, 2024

Via E-Mail

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Re: *United States, et al. v. Agri Stats, Inc.*, No. 0:23-cv-03009-JRT-JFD (D. Minn.)

Counsel:

This letter is in follow up to Plaintiff United States' responses and objections to Defendant Agri Stats Inc.'s ("Agri Stats") first set of interrogatories.

First, Interrogatory No. 1 seeks "a detailed description of" communications that Plaintiff has had "in connection with Agri Stats or Your Investigation." Plaintiff has provided *no description* of any such communications, responding instead that it will "produce all nonprivileged documents from the Antitrust Division's investigation of Agri Stats in or around 2010." That offer of production does not satisfy the request. Please confirm in writing that you will supplement the interrogatory responses with detailed descriptions of the communications sought in Interrogatory No. 1 which, for the avoidance of doubt, are not limited to "the Antitrust Division's investigation of Agri Stats in or around 2010"; or confirm in writing that you will produce in discovery all nonprivileged materials related to such communications.

Second, Plaintiff's response to Interrogatory No. 2—which fails to "identify the rationale and factual basis for" the quoted closing argument statement—notes that "[n]either Agri Stats nor EMI reports contain prospective broiler processing bids or the negotiated contract rates between broiler processors and their customers," while contending that "Agri Stats does provide up-to-date, competitively sensitive pricing information." Please supplement your response to Interrogatory No. 2 to explain how the purportedly "competitively sensitive pricing information" in Agri Stats' benchmarking reports is distinguishable from the "prospective broiler processor bids or the negotiated contract rates," which Agri Stats and EMI "cannot be used to figure out."

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Third, Plaintiff objected to Interrogatory Nos. 5 and 7 on the ground that they are premature. A “plaintiff’s complaint must include a list of requested remedies,” *Luna Perez v. Sturgis Public Schools*, 598 U.S. 142, 149 (2023), and there is nothing objectionable or premature about Agri Stats’ seeking discovery into the factual particulars of what actual relief Plaintiff is demanding. In substance, the collective response to both Interrogatories identifies only two “specific data field[s] or column[s] in any Agri Stats or EMI report[]”—“profitability metrics in cents/pound and cents/bird” in “Agri Stats’ Bottomline Reports” for broiler customers. Please confirm in writing whether, at this time, Plaintiff’s requested relief is limited to the Court’s enjoining Agri Stats’ publishing those metrics in its benchmarking reports; or, please supplement the responses to Interrogatory Nos. 5 and 7 with information responsive to those requests as written.

Fourth, please confirm in writing whether or not Plaintiff is refusing to engage in Defendants’ efforts to discover facts related to “Your decision to close the Investigation that included issuance of Civil Investigative Demand Number 26185 and to open the Investigation that included issuance of Civil Investigative Demand Number 31185.” To the extent you contend that Plaintiff is not so refusing, please supplement your response to Interrogatory No. 8 with an explanation of what documents or other information you have already, or are planning to produce in discovery.

Sincerely,

/s/ Holden Steinhauer

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